



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

MAY 16 2019

Eliot J. Rabin  
Eliot Rabin for Congress  
30 East 81st Street, Lobby  
New York, NY 10028

RE: MUR 7529

Dear Mr. Rabin:

The Federal Election Commission reviewed the allegations in your complaint received on October 25, 2018. On May 1, 2019, based upon the information provided in the complaint and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Molly C. Braswell, and close its file in this matter. Accordingly, the Commission closed its file in this matter on May 1, 2019. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR: 7529**

**Respondent: Molly C. Braswell**

**Complaint Receipt Date: October 29, 2018**

**Response Date: February 22, 2019**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30114(b);  
11 C.F.R. § 113.1(g)**

The Complainant, Eliot Rabin, alleges that Braswell, his committee's former campaign manager, withdrew \$40 in cash from the campaign's account and used about \$10 more of campaign funds to buy lipstick for herself.<sup>1</sup> Respondent denies the allegations.<sup>2</sup>

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the low dollar amount, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of

<sup>1</sup> Compl. at 1 (August 27, 2018). Rabin was a candidate for U.S. House in New York's 12th Congressional District, and lost in the November 6, 2018, general election with 12.1% of the vote.

<sup>2</sup> Resp. at 1 (February 22, 2019).

agency resources.<sup>3</sup> We also recommend that the Commission close the file and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel

5/1/19  
Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Donald E. Campbell  
Donald E. Campbell  
Attorney

<sup>3</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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